

## ORDINANCE NO. 89-3

An ordinance regulating the transportation of Hazardous Materials and Bio-Medical Waste by and through the City of Somerset, Texas, (hereinafter referred to as The City) and providing for a penalty for violations.

### MOTOR VEHICLE TRANSPORTATION

WHEREAS, the transportation of Hazardous Materials and Bio-Medical Waste poses a serious danger to the public health and safety, environment, property and general welfare of the residents of the The City; and

WHEREAS, further legislative safeguards are needed to protect public health and safety in the case of an accident involving the motor vehicle transport of Hazardous Materials and Bio-Medical Waste, and

WHEREAS, Section 112 (b) of the Federal Hazardous Materials Transportation Act (49USC 1811 (b) specifically allows State and Local Governments to enact measures regulating the transportation of Hazardous material and Waste within the localities when such measures are necessary for the protection of health, safety, and welfare of citizens provided that said regulations are not inconsistent with Federal Regulations;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Somerset, Texas, as follows:

### DEFINITIONS:

As used in this ordinance, the following terms shall have the following meanings, unless the context indicates a different meaning:

Hazardous Materials and Waste (to specifically include Bio-Medical Waste) means those materials classified as hazardous by the United States Government through the Secretary of Transportation pursuant to his authority under 49 U.S.C.A. Section 1801 et seq. (1976), except explosives, blasting agents, and explosive ingredients. Bio-Medical Waste shall mean Bio-Medical Wastes as designated by the United States Environmental Protection Agency (USEPA), to include:

#### 1. Isolation Wastes

Wastes generated by hospitalized patients who are isolated in order to protect others from their communicable diseases. These wastes contain pathogens shed by the patients themselves during the course of their isolation.

2. Cultures and Stocks of Biomedical Agents and Biologicals  
Specimens from medical and pathology laboratories.  
Cultured stocks of biomedical agents from clinical, research and industrial laboratories.

Disposable culture dishes and devices used to transfer, inoculate and mix cultures.

Wastes from production of Biologicals.

Discarded live and attenuated vaccines.

3. Human Blood and Blood Products

Waste blood, serum, plasma, and blood products.

4. Pathogenic Waste

Tissue, organs, body parts, blood and body fluids removed during surgery, autopsy and biopsy.

5. Contaminated Animal Carcasses, Body Parts and Bedding

Animal carcasses, body parts, and bedding of animals that have been intentionally exposed to pathogens.

6. Waste From Surgery and Autopsy

Soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads and surgical gloves and clothing.

7. Miscellaneous Laboratory Wastes

Specimen containers, slides and cover slips; disposable gloves, lab coats, and aprons.

8. Dialysis Unit Wastes

Tubing, filters, disposable sheets, towels, gloves, aprons and lab coats.

9. Contaminated Equipment

Equipment used in the patient care, medical laboratories, research and in the production and testing of certain pharmaceuticals. Contaminated hypodermic needles, syringes, scalpel blades, pasteur pipettes and broken glass.

10. Bio-Medical waste shall also include any water, or cleaning liquid used in cleaning the incinerator. Any ash left as a result of said burning shall also be included in the term Bio-Medical Waste

**Section 1. Notification Required:** Within a reasonable time prior to motor vehicle shipment into, through, or within the City of any BioMedical Waste, as defined in this ordinance, the operator of said motor transport shall notify the health officer of the content, amount, and destination point of said shipment, and request a permitted route from the health officer.

**Section 2. Health Officer's Duties:** The health officer shall receive notification of all future motor vehicle shipments of BioMedical Waste into, through, or within the City, and to provide the operator of said motor transport a map showing a permitted route for the day of the shipment into, through, or within The City.

**Section 3. Route To Be Followed:** No person, firm, or corporation shall transport any BioMedical Waste through The City except over routes indicated as permitted routes on the hazardous Material routing map provided by the health officer.

**Section 4. Equipment-Type and Size of Truck:** No BioMedical Waste will be transported into, through, or within The City in any vehicle larger than a tractor with one trailer. The "Etiological" symbol shall be displayed on the vehicle indicating that it is carrying a special BioMedical Waste. The location of the cargo manifest in the vehicle shall be noted next to the symbol.

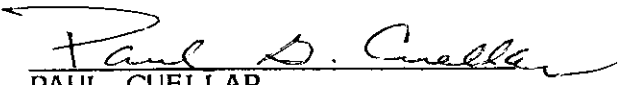
**Section 5. Condition of Transporting Vehicle:** All vehicles used to transport BioMedical Waste into, through, or within The City shall comply with all federal and state laws and regulations. All such vehicles shall be maintained in a safe condition. No such vehicle shall be parked or permitted to stand anywhere in the City, provided that the standing of such vehicle made necessary by mechanical trouble, necessary repair, traffic conditions, accident, or in obedience to the direction of a policeman or traffic signals shall not be considered a violation of this ordinance.

**Section 6 Signs and Maps:** Signs shall be posted to inform the public of the permitted routes for BioMedical Wastes. The health officer shall keep on hand copies of maps showing permitted routes for BioMedical Wastes, and these maps shall be distributed free upon request.


**Section 7. Severability:** The provisions of this ordinance are severable, and should any part be held invalid, such invalidity shall not affect the rest of the ordinance.

Section 8. **Penalty:** Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than \$10.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PASSED AND APPROVED this 14 day of Sept, 1989.

  
PAUL CUELLAR  
MAYOR OF SOMERSET

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
ADAM T. SERRATA  
CITY ATTORNEY